

EXHIBIT 58

Page 231

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

3
4 IN RE: JOHNSON & JOHNSON)
5 TALCUM POWDER PRODUCTS)
6 MARKETING, SALES PRACTICES,) MDL NO. 16-2738(MAS)(RLS)
7 AND PRODUCTS LIABILITY)
8 LITIGATION,)
9)
10
11
12

13 VIDEOCONFERENCE DEPOSITION
14 OF
15 DANIEL CLARKE-PEARSON, M.D. (VOLUME II)
16 (Taken virtually by Defendants)

17 Friday, March 8, 2024

18
19
20 Reported by: Christine A. Taylor, RPR

21
22
23
24 GOLKOW LITIGATION SERVICES
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1 On March 8, 2024, commencing at 9:21 a.m., the videoconference deposition of			
2			
3 DANIEL CLARKE-PEARSON, M.D., was taken pursuant to			
4 notice and pursuant to the Federal Rules of Civil			
5 Procedure, on behalf of the Defendants, remotely			
6 via Zoom.			
7 - - -			
8 P R O C E E D I N G S			
9 - - -			
10 DANIEL CLARKE-PEARSON, M.D.,			
11 having first been duly sworn, was examined			
12 and testified as follows:			
13 - - -			
14 EXAMINATION CONTINUED			
15 BY MS. DAVIDSON:			
16 Q. Good morning, Dr. Clarke-Pearson. As			
17 you know, we're continuing your January 20, 2024,			
18 deposition in In Re: Johnson & Johnson Talcum Powder Products.			
19			
20 Did you bring any materials with you			
21 today?			
22 A. Yes. I brought some journal articles			
23 that I thought might be useful to discuss.			
24 Q. Are any of those articles not included			
25 on your reliance list or materials considered list?			

2 (Pages 232 - 235)

Golkow Technologies,
A Veritext Division

<p style="text-align: right;">Page 248</p> <p>1 MS. DAVIDSON: If it doesn't go in the 2 chat, yeah, it doesn't go to Richard. 3 MR. GOLOMB: It doesn't go to Richard? 4 MS. DAVIDSON: No. I said if it 5 doesn't go in the chat, you're not getting 6 it. That's a good point. That's what I'm 7 saying, I hadn't focused on that issue. 8 MR. GOLOMB: Okay. Thank you. 9 MR. TRANGLE: So sorry, yeah, I just 10 sent it to Leigh, but I can send you the 11 link as well. 12 MR. GOLOMB: Do you have my e-mail 13 address? 14 MR. TRANGLE: No, I don't. 15 MR. GOLOMB: It's 16 RGolomb@GolombLegal.com. Thanks very much. 17 MR. TRANGLE: Leigh, the e-mail should 18 have already have been sent to you. 19 MS. O'DELL: I've just refreshed and 20 not yet, but -- 21 MS. DAVIDSON: I got it. 22 MR. TRANGLE: Rich, I'm going to send 23 you both exhibits right now. 24 RGolomb@GolombLegal.com; right? 25 MR. GOLOMB: Yes.</p>	<p style="text-align: right;">Page 250</p> <p>1 in the latter half of the past century and 2 decreased menopausal hormonal therapy use during 3 the 2000s, both of which are associated with lower 4 risk." 5 Do you see that? 6 A. Yes. 7 Q. Are those statistics accurate to your 8 knowledge? 9 A. To my knowledge, I think they're 10 reasonable. I'm not sure I have references that 11 I've read that -- specifically in the general 12 concept. So I think they're reasonable. 13 Q. Are you surprised to see ovarian cancer 14 rates dropping so significantly? 15 MS. O'DELL: Object to the form. 16 THE WITNESS: 1 to 2 percent is not so 17 significantly, but it is a decline. 18 BY MS. DAVIDSON: 19 Q. 3 percent per year is pretty 20 significant; right? 21 MS. O'DELL: Object to the form. 22 THE WITNESS: Yes, I mean, we're happy 23 with that trend. 24 BY MS. DAVIDSON: 25 Q. And the decrease in ovarian cancer of</p>
<p style="text-align: right;">Page 249</p> <p>1 MS. O'DELL: Nothing yet. 2 MS. DAVIDSON: I don't understand -- 3 can we go off the record for a second. 4 (Recess taken from 9:54 a.m. until 10:00 a.m.) 5 BY MS. DAVIDSON: 6 Q. Dr. Clarke-Pearson, have you seen this 7 document before? 8 A. No. I don't think I've seen this 9 document. 10 Q. Were you aware that the American Cancer 11 Society puts out cancer facts and figures? 12 A. Yes. 13 Q. If you look at page -- do you consider 14 the American Cancer Society to be an accurate 15 source of information about cancer? 16 MS. O'DELL: Objection. 17 THE WITNESS: It usually has good 18 information. 19 BY MS. DAVIDSON: 20 Q. If you look at page 22 under "Incidence 21 trends," it says, "The ovarian cancer incidence 22 rate declined by 1 to 2 percent per year from 1990 23 to the mid 2010s and by almost 3 percent per year 24 from 2015 to 2019. This trend is likely due at 25 least in part to increased oral contraceptive use</p>	<p style="text-align: right;">Page 251</p> <p>1 3 percent per year occurred while talcum powder was 2 still on the US market; right? 3 A. Yes. 4 Q. And if you turn to page 23, "risk 5 factors" for ovarian cancer, the American Cancer 6 Society says, "The most important risk factor other 7 than age is a family history of breast or ovarian 8 cancer." 9 Do you agree with that statement? 10 A. It's an important risk factor for women 11 who have BRCA mutations. I'm not sure it's the 12 most important risk factor. There's lots of risk 13 factors. Most women with a BRCA mutation don't 14 have ovarian cancer. It's important for the women 15 that have BRCA mutations. It's not important for 16 anybody else. 17 Q. Did you say most women with a BRCA 18 mutation won't get ovarian cancer? 19 A. That's correct. 20 Q. What percentage of women with a BRCA1 21 mutation will get ovarian cancer? 22 A. Approximately 30 percent. 23 Q. What percentage of women with a BRCA2 24 mutation will get ovarian cancer? 25 A. It's less than that. I don't know the</p>

<p style="text-align: right;">Page 340</p> <p>1 cancer -- scratch that.</p> <p>2 Is there any literature that addresses</p> <p>3 the potential association between genital talc use</p> <p>4 and ovarian cancer for women who had their tubes</p> <p>5 tied three decades before their diagnosis?</p> <p>6 MS. O'DELL: Object to form.</p> <p>7 THE WITNESS: I'm not aware of any</p> <p>8 literature that specifically looks at that</p> <p>9 issue.</p> <p>10 BY MS. DAVIDSON:</p> <p>11 Q. Is there any literature addressing a</p> <p>12 potential association between talc use and ovarian</p> <p>13 cancer for women whose talc use ended three decades</p> <p>14 before their diagnosis?</p> <p>15 MS. O'DELL: Object to the form.</p> <p>16 THE WITNESS: Not that I'm aware of.</p> <p>17 BY MS. DAVIDSON:</p> <p>18 Q. Is it your opinion that asbestos is a</p> <p>19 cause of Ms. Rausa's ovarian cancer?</p> <p>20 A. It's my opinion that talcum powder</p> <p>21 increased -- was causative in her developing</p> <p>22 ovarian cancer and that talcum powder has asbestos</p> <p>23 in it. So yes.</p> <p>24 Q. Is that your opinion with respect to</p> <p>25 fibrous talc as well?</p>	<p style="text-align: right;">Page 342</p> <p>1 question, and now I'm just asking what</p> <p>2 literature supports that opinion.</p> <p>3 MS. O'DELL: He's already testified to</p> <p>4 the literature on latency. It's in his</p> <p>5 report.</p> <p>6 MS. DAVIDSON: We have not had a</p> <p>7 30-year latency period before, Leigh. We</p> <p>8 are talking about a plaintiff who had a</p> <p>9 tubal ligation 30 years ago. I just don't</p> <p>10 want to get into these arguments over and</p> <p>11 over. You know what, this is an expert</p> <p>12 who's testifying at trial. If you didn't</p> <p>13 want him to testify, find another expert.</p> <p>14 BY MS. DAVIDSON:</p> <p>15 Q. Doctor, is there any literature --</p> <p>16 MS. O'DELL: Hey, Jessica --</p> <p>17 BY MS. DAVIDSON:</p> <p>18 Q. -- to support --</p> <p>19 MS. O'DELL: Forgive me. Let me just</p> <p>20 respond to the objection. So let me --</p> <p>21 MS. DAVIDSON: Okay. Sure.</p> <p>22 MS. O'DELL: Your pejorative comments</p> <p>23 are, one, disrespectful to</p> <p>24 Dr. Clarke-Pearson and the process. Second,</p> <p>25 he has testified to latency in the past and</p>
<p style="text-align: right;">Page 341</p> <p>1 A. Yes.</p> <p>2 Q. Do you believe that ovarian cancer has</p> <p>3 a latency period of more than 30 years?</p> <p>4 MS. O'DELL: Jessica, he's testified to</p> <p>5 this in 2019. I can check the 2021</p> <p>6 depositions. But he's testified at length</p> <p>7 about latency. I believe it's in his report</p> <p>8 as well for which he was deposed. So this</p> <p>9 is --</p> <p>10 MS. DAVIDSON: I've got one question on</p> <p>11 this topic, Leigh. Then we can move on.</p> <p>12 BY MS. DAVIDSON:</p> <p>13 Q. Dr. Clarke-Pearson, do you believe that</p> <p>14 ovarian cancer has a latency period of more than</p> <p>15 30 years?</p> <p>16 A. It can have a latency period. It can</p> <p>17 have a shorter period than 30 years too.</p> <p>18 Q. Can it have a latency period of more</p> <p>19 than 30 years?</p> <p>20 A. Yes.</p> <p>21 Q. And what literature can I -- can you</p> <p>22 point to to support that opinion?</p> <p>23 MS. O'DELL: He's -- you said one</p> <p>24 question. You had three questions.</p> <p>25 MS. DAVIDSON: No. I repeated the</p>	<p style="text-align: right;">Page 343</p> <p>1 including what he said here previously</p> <p>2 today. And so, I mean, I just -- we</p> <p>3 wouldn't have to have these discussions if</p> <p>4 you would stay within the confines of the</p> <p>5 rules. And so he's already testified to</p> <p>6 latency. You've got his opinion --</p> <p>7 MS. DAVIDSON: Your expert changed his</p> <p>8 opinion in the middle of the deposition,</p> <p>9 Leigh.</p> <p>10 MS. O'DELL: He did not.</p> <p>11 MS. DAVIDSON: I don't know how you can</p> <p>12 make these sanctimonious with an expert who</p> <p>13 purportedly went to the bathroom and changed</p> <p>14 his opinions.</p> <p>15 MS. O'DELL: He did not change his</p> <p>16 opinion. So -- which is clear from the</p> <p>17 record.</p> <p>18 So if you have a question about</p> <p>19 Ms. Rausa that relates to new information</p> <p>20 since 2021, Dr. Clarke-Pearson is here and</p> <p>21 ready to answer your questions.</p> <p>22 He is not here to go through all of his</p> <p>23 previous 25 hours of deposition testimony.</p> <p>24 That's not what we're here for.</p> <p>25 MS. DAVIDSON: Are you done?</p>

29 (Pages 340 - 343)

<p style="text-align: right;">Page 380</p> <p>1 A. Yeah, I -- I didn't read the thing 2 thoroughly. I don't think I read anything about a 3 latency period in that -- in that study.</p> <p>4 Q. Okay. You may --</p> <p>5 A. I'm sorry. I did mention, yes, that 6 the -- that the period of that study was asking the 7 question, as I recall, of just a year prior to 8 starting the study. Did you use a personal care 9 product of some sort within the last year, which my 10 comment then was that doesn't allow much of a 11 latency period. In fact, it's not a latency period 12 for just one year. So we really didn't allow those 13 women to have enough time whether they were 14 actually going to develop cancer from those 15 personal care products.</p> <p>16 Q. But, in fact, it followed women for 17 much more than 12 months, you know that; right?</p> <p>18 A. I don't -- I don't know that paper that 19 well. What I saw was 12 months.</p> <p>20 Q. Okay. If we can pull up the paper, I 21 can show you that, in fact -- so, Leigh, you shook 22 your head, but he did testify to that. So maybe 23 you owe me an apology.</p> <p>24 MS. O'DELL: No, I think the question I 25 asked was about the --</p>	<p style="text-align: right;">Page 382</p> <p>1 Table S8. You mentioned Table S8, and I thought we 2 should put it up.</p> <p>3 You were talking about how table S8 -- 4 I think what your point was that if you took all 5 the hygiene products together, it showed an 6 increased risk. Is that what you were trying to 7 say?</p> <p>8 A. That's what it shows, yes.</p> <p>9 Q. That was driven by the increase for 10 douching; right?</p> <p>11 A. I'm not sure whether driven is the 12 right word. But douching certainly weighed in to 13 contribute to that.</p> <p>14 Again, I'm sorry -- if I can just 15 finish. I'm sorry I don't know this study because 16 I just saw it within the last hour. And when I saw 17 S8, it talked about hygiene. And I know talcum 18 powder fell into that category.</p> <p>19 Q. But douching had a much higher hazard 20 ratio than anything else. So douching primarily 21 drove that risk ratio and the authors say as much 22 in their study; right?</p> <p>23 MS. O'DELL: Object to form.</p> <p>24 THE WITNESS: I don't know what the 25 authors said in the study. I didn't have</p>
<p style="text-align: right;">Page 381</p> <p>1 MS. DAVIDSON: It wasn't your question. 2 It was his testimony, Leigh. And he just 3 said very nicely and honestly that is what 4 he testified to.</p> <p>5 Asher, can you pull up the paper so we 6 can show Dr. Clarke-Pearson and clarify the 7 record as to what the latency period 8 actually was.</p> <p>9 MS. O'DELL: I think you asked me if I 10 asked about latency and I just said I 11 didn't.</p> <p>12 MS. DAVIDSON: That was not my 13 question, Leigh, if you'd listen to the 14 question carefully. Asher, anyway, can you 15 just pull it up.</p> <p>16 MR. TRANGLE: Yeah, isn't it being 17 shared?</p> <p>18 MS. DAVIDSON: Oh, sorry. You need to 19 make it bigger, Asher. Okay.</p> <p>20 BY MS. DAVIDSON:</p> <p>21 Q. How many years of follow-up was there, 22 Doctor?</p> <p>23 A. Right there in the results it says 24 after 11.6 years of follow-up.</p> <p>25 Q. Okay. Thank you. If we could go to</p>	<p style="text-align: right;">Page 383</p> <p>1 time to read it.</p> <p>2 BY MS. DAVIDSON:</p> <p>3 Q. Okay. Do you have any reason to 4 believe that it was not douching that drove this 5 hazard ratio?</p> <p>6 A. I would put it another way and say from 7 what you showed on the other table, douching 8 contributed significantly to the overall hazard 9 ratio in this table.</p> <p>10 Q. Can we look at the Davis paper. You 11 testified multiple times that Davis did not look at 12 frequency and duration. I think that was a 13 misstatement on your part.</p> <p>14 If we could pull up Davis.</p> <p>15 MS. O'DELL: Object to the form.</p> <p>16 Misstates his testimony.</p> <p>17 MS. DAVIDSON: Asher, putting it up?</p> <p>18 MR. TRANGLE: Yes, one second.</p> <p>19 BY MS. DAVIDSON:</p> <p>20 Q. Both you and Ms. O'Dell pointed to a 21 sentence in Davis -- if you could yellow it, Asher, 22 that would be great -- that talks about that says 23 did not examine associations by frequency or 24 duration. But that sentence is talking about a 25 different paper, not this paper; right?</p>

1 CERTIFICATE OF REPORTER
 2
 3 I, Christine A. Taylor, Registered
 Professional Reporter and Notary Public for the
 State of North Carolina at Large, do hereby
 4 certify:
 5 That the foregoing deposition was taken
 before me on the date and at the time and location
 as stated in this transcript; that the deponent was
 located in Orange County, North Carolina; that the
 7 deponent was duly sworn to testify to the truth,
 the whole truth and nothing but the truth; that the
 8 testimony of the deponent and all objections made
 at the time of the examination were recorded
 9 stenographically by me and were thereafter
 transcribed; that the foregoing deposition as typed
 10 is a true, accurate and complete record of the
 testimony of the deponent and of all objections
 11 made at the time of the examination to the best of
 my ability.
 12
 13 I further certify that I am neither related
 to nor counsel for any party to the cause pending
 or interested in the events thereof. Witness my
 14 hand, this 11th of March, 2024.
 15
 16 
 17
 18 _____
 19 Christine A. Taylor,
 Registered Professional Reporter
 Notary Public 19960530077
 State of North Carolina
 20
 21
 22
 23
 24
 25

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1 DEPOSITION ERRATA SHEET
 2
 3 Our Assignment No: 6453284
 4 Case Caption: Talcum Powder Litigation MDL 2738
 5
 6 DECLARATION UNDER PENALTY OF PERJURY
 7 I declare under penalty of perjury that I
 8 have read the entire transcript of my deposition
 9 taken in the captioned matter or the same has been
 10 read to me, and the same is true and accurate, save
 11 and except for changes and/or corrections, if any,
 12 as indicated by me on the DEPOSITION ERRATA SHEET
 13 hereof, with the understanding that I offer these
 14 changes as if still under oath.
 15 Signed on the _____ day of _____,
 16 20 _____.
 17
 18
 19
 20 _____
 21 DANIEL CLARKE-PEARSON, M.D.
 22
 23
 24
 25

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1 DEPOSITION ERRATA SHEET
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 22 SIGNATURE: _____ DATE: _____
 23 DANIEL CLARKE-PEARSON, M.D.
 24
 25

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